

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

FILED OCT 19 2005  
ON  
Fred L. Borch III, Clerk  
US District Court  
Eastern District of NC

CASE NO: ~~1:304783~~ 5:05-mj-01119

UNITED STATES OF AMERICA

vs

Carlos J. Davila

}  
}  
} DEFENDANT'S  
} MOTION TO CONTINUE  
} (18 USC 3161(h)(8))  
}

Pursuant to 18 USC 3161(h)(8) and to Local Rule 4-11, the Defendant respectfully requests that the above-captioned case be continued from the present docket. In support of this motion, the Defendant sets forth the following:

1. Needs time to find an attorney and prepare case

2. This is the 2<sup>nd</sup> continuance filed by the Defendant in the present case. The Special Assistant United States Attorney ~~does~~/does not object to this motion.
3. I understand that if this motion is granted, I must next appear in court at 8:30 a.m. on the 16 Nov 05 court docket, and that failure to appear may result in the issuance of an arrest warrant.

Submitted on: 19 Oct 05

X Carlos J. Davila  
Defendant or Attorney for the Defendant

INITIAL DOCKET:

The court finds that the ends of justice served by the granting of such continuance outweigh the best interest of the public in a speedy trial for the following reason(s):

- ☐ Failure to do so would likely result in a miscarriage of justice.
- ☐ The **unusual nature or complexity** of the case makes it unreasonable to expect the Defendant to adequately prepare for pretrial proceedings or trial within the time limits set forth in 18 USC 3161.
- ☐ Failure to do so would deny the Defendant reasonable **time to obtain counsel**;
- ☐ Failure to do so would unreasonably deny the Defendant **continuity of counsel**;
- ☐ Failure to do so would deny the Defendant the reasonable **time necessary for effective preparation**, taking into account the exercise of due diligence.

Accordingly, the continuance is ALLOWED. The intervening time from \_\_\_\_\_ to \_\_\_\_\_ is excluded from speedy trial computation under 18 USC 3161.

OCT 19 2005  
Date

[Signature]  
UNITED STATES MAGISTRATE JUDGE